UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,051	02/15/2002	Pei-Yuan Zhou	50269-0516	6331

73066   7590   09/01/2009
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EXAMINER
LOFTUS, ANN E

ART UNIT	PAPER NUMBER
3692	

MAIL DATE	DELIVERY MODE
09/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/078,051	ZHOU ET AL.
	Examiner	Art Unit	
	ANN LOFTUS	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *5/22/09*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>See Continuation Sheet</u> is/are pending in the application.

    4a) Of the above claim(s) <u>78, 81-83, 90, 93-95, and 102-115</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4, 6-9, 11, 12, 15, 16, 18, 25, 29-33, 36-39, 41-44, 46, 47, 50, 51, 53, 60, 64-68, 71-77, 84- 89, and 96-101</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

Continuation of Disposition of Claims: Claims pending in the application are 1-4,6-9,11,12,15,16,18,25,29-33,36-39,41-44,46,47,50,51,53,60,64-68,71-78,81-90 and 93-115.

DETAILED ACTION

Status of the Claims

1.   This action follows a restriction reply made on 5/22/09, after an amendment

dated 2/2/09. The application was filed on 2/15/02 with a provisional dated 2/17/01.

2.   The amendment of 2/2/09 added claims up to claim 115. The applicant elected

group I consisting of claims 1, 38 and their dependents. The non-elected claims are

withdrawn but included in the pending claims. Claims 5, 10, 13, 14, 17, 19-24, 26- 28,

34, 35, 40, 45, 48, 49, 52, 54-59, 61-63, 69, 70, 79-80, 91-92 are cancelled, which

leaves pending 1-4, 6-9, 11, 12, 15, 16, 18, 25, 29-33, 36-39, 41-44, 46, 47, 50, 51, 53,

60, 64-68, 71-78, 81-90 and 93-115. Of these, Independent claims 78 and 102 and

their dependents are withdrawn: 78, 81-83, 90, 93-95, and 102-115 are withdrawn. The

examiner notes that not all of the new claims are withdrawn; new claims 99, 100 and

101, all of which depend on claim 38, are examined for the first time below.

Response to Arguments

3.   As to the restriction, applicant's arguments have been fully considered but they

are not persuasive.

       In the response to restriction, the applicant traverses the restriction of group II

(claim 78) from group I (claims 1 and 38), on the grounds that there is no search and

examination burden since these claims were examined together (presumably referring

to the previous non-final of 11/14/08). This is not persuasive because the search and

examination burden occurs again with each amendment. A restriction may be made at

any time before the final action. See 37 CFR 1.142:

> (a)   If two or more independent and distinct inventions are claimed in a single application, the examiner in an Office action will require the applicant in the reply to that action to elect an invention to which the claims will be restricted, this official action being called a requirement for restriction (also known as a requirement for division). Such requirement will normally be made before any action on the merits; however, it may be made at any time before final action.

Inventions I and II are related as subcombinations disclosed as usable together

in a single combination. The scope does not overlap because invention I requires

determining billing implications and sending data to a billing service, whereas invention

II does not. Invention II requires a service with a class of service, whereas invention I

does not. Invention I does not require the particulars of the subcombination as claimed

because invention I does not require a class of service. The subcombination has

separate utility such as indicating the class of service to the service provider in a system

where the service provider handles the billing. Thus the inventions are distinct and

restriction is still deemed proper, and made **FINAL**.

The remaining arguments are found in the remarks of 2/2/09, before the

restriction.

The applicant argues that claims 90-95 are proper dependent claims. Claims 91

and 92 are cancelled, and 90, 93-95 are in group II and thus withdrawn, so the

argument is moot.

With respect to the art and the 103 rejection of claims 1 and 38, the applicant has amended and argued concerning the following new language:

Identifying, based on service identifying information contained in the intercepted message, a service that is being requested by or provided to said service requestor, wherein the service identifying information includes data other than said provider identifier information.

The applicant argues that Kawecki's request does not include any information other than the dialed telephone number. The examiner finds that interpretation narrow. The word in claim 1 is message, and the message (by amendment) includes the service identifying information. The term message can, in certain contexts such as voicemail, refer to discrete countable things, but the broadest reasonable interpretation is information sent or conveyed, which is more fluid. Consider a teenager's message of rebellion. A message can have many non-contiguous parts, which themselves can be messages. Kawecki's invention begins with a dialed telephone number. This can be interpreted as a 1 to indicate long distance, an area code and exchange to indicate a general region and smaller area, and then a specific number. The number may identify the provider and service, or it may require an extension, a menu selection or a voice exchange. All of these could be considered as parts of the message. The rejection sets the entire call as disclosing the message, thus the message can be reasonably interpreted as including information other than the dialed telephone number. In any case, as the billing paradigm of Kawecki is upgraded to the message platform of Hosea, the message form is slightly different. This will be addressed in the rejection with new grounds based on the URL displayed in Hosea Fig. 4.

The applicant's remarks include an example of a URL that is presented as a

message including service identifying information (/videos/latest) and data other than

the provider identifier information (yahoo.com). This is remarkably similar to the URL in

Hosea Fig. 4, which has the same provider identifier information but more service

identifying information:

> http://edit.yahoo.com/config/eval_layout?page=p1&arc=my
> &done=http%3a//my.yahoo.com/p/d html%3fv&intl=us&lg=us

The applicant argues that it would not have been obvious to modify Kawecki to

use an HTTP proxy because it would require numerous technical modifications to

Kawecki's system. The examiner respectfully disagrees. This invention consists of a

platform for exchanging messages, combined with content and interpretation to give

meaning to the messages. While telephones were once quite different from computer

networks, they are both platforms for exchanging messages. Upgrading Kawecki from

one message system to another would have been within ordinary skill in the art because

HTTP proxy servers were a known platform for intercepting, inspecting and modifying

messages. Note the specification page 7 about avoiding custom programming for an

HTTP proxy server. Kawecki states that his invention can be upgraded for the Internet

col 16 lines 8-28. It only remains to move the billing model, consisting of the message

contents and interpretations, to the new platform.   One reason to use this billing model

is to provide billing services for content providers. One reason to upgrade it for the

Internet is to provide convenient billing services for Internet content providers. The

upgrade would have produced predictable results and a reasonable expectation of

success. The invention as a whole would have been predictable and obvious to one of ordinary skill in the art in view of the references.

Leapfrog Enterprises, Inc. v. Fisher-Price, 485 F.3d 1157, 82 USPQ2d 1687 (Fed. Cir. 2007) stated that applying modern electronics to older mechanical devices was obvious, despite numerous technical modifications, because there were no unpredictable results, and the upgrade was within ordinary skill. The applicant posits a different way to combine Kawecki and Hosea, where instead of extracting teachings from Kawecki and upgrading the message platform, the phone system is attached to the Internet. This is not the combination proposed by the examiner.

As to claim 2, the applicant argues that Kawecki does not disclose determining whether a service was actually being provided as opposed to simply requested. Kawecki discloses timing the call for billing purposes in col 11 lines 15-21. The timing data determines whether the service is being provided as opposed to simply requested. Hosea discloses intercepting the content on its way back to the requestor in the abstract.

As to claim 96, the applicant argues that Kawecki does not teach intercepting a message from a service provider to a service requestor. Kawecki discloses timing the call for billing purposes in col 11 lines 15-21. This suggests intercepting a message from a service provider to a service requestor.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5.   Claims 1 and 38 and their dependents are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. That would be claims 1-4, 6-9, 11, 12, 15, 16, 18, 25, 29-33, 36-39, 41-44, 46, 47, 50, 51, 53, 60, 64-68, 71-77, 84- 89, and 96-101.

The written description (including the drawings and original claims and incorporated references) is required to support possession of the claimed scope of the invention. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. If the limitation is not explicit, the applicant has the burden of showing that a person of ordinary skill in the art "would have understood, at the time the patent application was filed, that the description requires the limitation." Hyatt, 47USPQ 2d @1131. An arbitrary narrowing of the scope of the claim is not compliant unless the description explicitly supports or would require the narrowing limitation.

As to claim 1, the claim refers to "one or more computers programmed to be special purpose machines". The specification does not mention a computer programmed to be a special purpose machine. The examiner has not found support for this language in the original disclosure.

As to claims 1 and 38, the claims recite service identifying information in the message including data other than the provider identifier information. The specification

does not disclose data other than the provider identifier information. The specification

says on page 14 the provider identifier is determined from the URL, and on page 16 the

URLs correspond to products, where products is read to include services. This indicates

that the URL of the message is both the provider identifier information and the service

identifying information, in which case the service identifying information does not include

data other than the provider identifying information.

The remarks split out parts of the URL as not including the provider identifier

information. This splitting is not supported in the specification, which as above, merely

states that the URL may be used for both purposes. On page 14, "the HTTP proxy

server 120 determines the content provider ID based on the URL associated with the

content. "

The examiner has not found support for "service identifying information including

data other than the provider identifier information" in the original disclosure. The

dependent claims fail to remedy the problem, and are also rejected as depending on

rejected claims.

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

    The specification shall conclude with one or more claims particularly pointing out and distinctly
    claiming the subject matter which the applicant regards as his invention.

7.   Claims 1-4, 6-9, 11, 12, 15, 16, 18, 25, 29-33, 36-39, 41-44, 46, 47, 50, 51, 53,

60, 64-68, 71-77, 84-89 and 96-101 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

As to claims 1 and 38, the amended claims recite that the message contains service identifying information, which then contains data other than the provider identifying information. The bounds of the *data other than the provider identifier information* are not clear.

The specification as above indicates that the URL is both service identifying information and provider identifier information. No clarification of *data other than the provider identifier information* is found. The remarks assert that a first portion of the URL identifies the provider and a second portion of the URL identifies the service but not the provider. In this example, the remainder of the URL after the domain name is interpreted as data other than provider identifier information. However, the claim does not recite the remainder of the URL after the domain name, but rather: the message contains service identifying information, which then contains data other than the provider identifying information. The claim refers to two types of information, both types delimited only by their use. Interpreting the claim language requires judging what portion of the message is useful for identifying the service requested, and then whether some of that information is data not useful for identifying the provider. These are the boundaries that are not sufficiently clear. Looking at some information excerpted from a message, where the excerpt had information useful for identifying a service, how could a person of ordinary skill in the art determine if there was also data other than the provider identifier information in the excerpt?

The dependent claims fail to remedy the problem, and are also rejected.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1-4, 12, 15, 16, 18, 36, 38, 39, 47, 50, 51, 53, 71, 73-75, 77, 78-82, 84-

86, 88, 89 and 91-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent 5963625 filed 9/30/96 by Kawecki et al. in view of US Patent Application

20020138331, filed on 2/5/01 by Hosea et al.

Kawecki is analogous art because it addresses the same problem of intercepting

messages for billing purposes.

As to claim 1, Kawecki teaches recording interactions reflected in messages in

col 8 line 58-68.

As to independent claims 1 and 38, Kawecki teaches intercepting a message that

has been sent from a first participant to a second participant prior to said message

arriving at said second participant, wherein intercepting the message is performed by an

intercepting device deployed between the first participant and the second participant

wherein the message is addressed to said second participant in col 3 line 35 to col 4

line 45.

Kawecki suggests identifier information in col 1 line 60, but does not explicitly

teach the identifiers included in the message. Hosea teaches the message includes

requestor identifier information (IP address paragraph 39) and provider identifier

information (the actual URL paragraph 37) wherein the intercepting device has access

to the message and can interpret the identifier information contained within the

message, and determining the identity of the service requestor based on said requestor

identifier information in said message (extracting information used to correlate the

request to a user profile) on page 4 paragraphs 36-39. This section of Hosea also

discloses determining the identity of the service requestor based on the requestor

identifier information in said message (IP address to user ID). Hosea teaches retrieving

the requested web page based on the URL in paragraphs 31 and 34, page 3. A person

of ordinary skill in the art would understand that the content provider was identified by

the URL, thus suggesting determining the identity of the service provider based on

provider identifier information in said message. In Fig. 4, Hosea shows this URL:

http:/edit.yahoo.com/config/eval_layout?page=p1&erc=my&hone=http%3a//my

yahoo.com/p/d html%3fv&intl=us&lg=us

A person of ordinary skill in the art would recognize this method of passing

information in a message or request by passing variables in the URL. Here, the server

will receive a variable named intl with a value of "us" and also a variable named lg with

a value of "us." It is likely, according to common web programming, that this sets the

location and the language to the United States. The service provider can be identified

as yahoo.com, and the service provided by this page, as identified in the URL is to edit

page 1. Obviously this means of carrying information in a message could just as easily

carry other kinds of information, although length can be a consideration. Thus Hosea

teaches identifying based on service identifying information contained in the intercepted

message, a service that is being requested by or provided to said service requestor, wherein the service identifying information includes data other than the provider identifier information. The examiner notes that "data other than the provider identifier information" is non-functional descriptive material, and does not serve to patentably distinguish the method over the art.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kawecki to add the message including such identifier information as taught by Hosea in order to ensure proper routing from the user to the recipient and back and to ensure proper billing identification.

Kawecki teaches wherein the first participant is one of a service requestor (caller) and a service provider and the second participant is the other of the service requestor and the service provider, and wherein the intercepting device is managed by a third party (telecommunications network) that is different from the service requestor and the service provider in col 3 line 35 to col 4 line 45.

Kawecki teaches that based on the intercepted message, software managed by the third party performing the steps of determining whether the message has billing implications, if the message has billing implications, sending the data to a billing service, the data including information related to the identity in col 6 line 50-55 and col 8 line 20 - col 9 line 2. Kawecki describes collecting billing information in col 8 near line 62 and sending data to a billing service in col 1 near line 35. Billing information suggests an amount, a party to bill, and item/service purchased. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the data required by a

billing service includes the identity of the party to bill, whether requestor or provider. It would have been obvious to a person of ordinary skill in the art at the time of the invention to that the data sent to the billing service would include information related to at least one of the determined identities and the service.

As to independent claim 78, and claim 90, in addition to the elements already discussed, Kawecki teaches providing access to content in the abstract. Kawecki teaches a client and a provider in the abstract. Kawecki teaches a client address in col 8 line 9, but this address comes from a database rather than the message. Hosea teaches an address associated with the client in paragraph 39 page 4. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kawecki to add the identifier is an address associated with a client in order to make use of standard identifiers like URLs that can be automatically determined from the message, which avoids typographical errors. Kawecki teaches determining a class of service to which a user associated with the identity is entitled in col 11, lines 1-21.

As to claims 2 and 88, Kawecki teaches in col 8 lines 20-68 determining that the service is being or has been provided to the service requestor by the service provider through the intercepted messages, and sending data to the billing service occurs in response to this determining (col 9 lines 1-18, and col 1 near line 35). Kawecki discloses timing the call for billing purposes in col 11 lines 15-21. The timing data is sent to a billing service in response to determining the service is being provided to the service requestor by the service provider for a period of time. As above, it would have

been obvious to a person of ordinary skill in the art at the time of the invention to update

Kawecki's telephone message.

As to claim 3, Kawecki teaches the third party performs the step of billing on

behalf of the service provider in col 1 near line 35.

As to claims 4 and 39, in addition to the limitations already discussed, Kawecki

teaches in col 8 line 57 to col 9 lines 18using the log to charge a particular participant

for a service indicated in the message, wherein said particular participant is one of said

first participant and second participant.

As to claims 12 and 47, Kawecki teaches in the abstract the service involves

providing content.

As to claims 15 and 50, Kawecki teaches updating the service requestor profile

based on the service requested in col 11 lines 40-55.

As to claims 16 and 51, Kawecki teaches decrementing an account balance of

the particular participant when the service requestor accesses the service in col 11 lines

50-61.

As to claims 18 and 53, Kawecki teaches locating a profile based on the identity

of the first participant in col 7 lines 25-50. A profile is by definition the collection of

personal information for a particular customer, thus the account data is a profile

As to claims 36 and 71 Kawecki teaches determining whether the service

provider is an authorized partner, and retransmitting the message to the service partner

to obtain a service in col 15 lines 30-35.

As to claims 73 and 84, Kawecki teaches generating a log of the message wherein the data sent to the billing service is based on the log in col 8 line 57 to col 9 line 18.

As to claims 74 and 85, Kawecki teaches generating a log of messages in response to the software determining that the message has billing implications in col 8 line 57 to col 9 line 18.

As to claims 75 and 86, Kawecki does not teach a log generated without determining billing considerations. Hosea teaches a log generated without billing considerations in paragraph 45 page 5. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kawecki to add a log generated without determining billing considerations in order to have a complete record of all message traffic in case of investigations for non-billing purposes.

As to claims 77, Kawecki teaches billing the service provider in col 13 near line 60. Kawecki also teaches billing for providing the service in the abstract.

As to claims 82 and 94, Kawecki teaches that the particular service is different from the first service in that it is limited in col 11, lines 1-21.

As to claim 89, Kawecki teaches in col 1 lines 30-40 billing the service provider for providing the service.

10.   Claims 11, 31-33, 37, 46, 66-68 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawecki in view of Hosea as above, and further in view of US Patent Application No. 20020133412 filed 6 March 1998 by Oliver et al.

As to claims 11 and 46, the Kawecki Hosea combination does not specifically teach a message with a price at which the service provider is willing to provide a service. Oliver teaches a message with a price at which the service provider is willing to provide a service in paragraph 302 page 12. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kawecki Hosea to add a message with a price at which the service provider is willing to provide a service because the vendor, the biller and the purchaser all need the price data, and each of them would have access to the data in the message.

As to claims 31, 33, 66 and 68, the Kawecki Hosea combination does not specifically teach determining whether the service requestor has funds to pay for a service based on an authorization source, which is in the profile. Oliver in paragraphs 329-333, page 14 teaches determining whether the service requestor has funds to pay for a service based on an authorization source, which is in the profile. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the Kawecki Hosea combination to add determining whether the service requestor has funds to pay for a service based on an authorization source, which is in the profile because it helps to avoid non-payment of services.

As to claims 32 and 67, Kawecki teaches retransmitting the message to the service provider to obtain the service for the service requestor in col 9 lines 10-20. Hosea teaches retransmitting the message to the service provider to obtain the service for the service requestor in Fig 9 and page 5 paragraph 45, where the HTML request for the content that originated from the user and was intercepted is then retransmitted to

the content provider to obtain the service/content. The Kawecki Hosea combination

does not specifically teach causing funds to be decremented from a requestor account

associated with the service requestor. Oliver in paragraph 330 teaches an account

linked to a debit card. This would allow the funds to be decremented from a requestor

account associated with the service requestor. It would have been obvious to a person

of ordinary skill at the time of the invention to modify the Kawecki Hosea combination to

add causing funds to be decremented from a requestor account associated with the

service requestor in order to allow real-time payment for services.

As to claims 37 and 72, Kawecki teaches a secure internet connection in col 6

near line 24. The Kawecki Hosea does not teach authenticating the service provider.

Oliver teaches a secure connection and authentication with a service provider in

paragraph 365 page 16. It would have been obvious to a person of ordinary skill in the

art at the time of the invention to modify the Kawecki Hosea combination to add

authenticating the service provider in order to prevent fraud.

11.   Claims 6, 7, 41, 42, 76 and 87 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kawecki in view of Hosea as above, and further in view of US Patent

6873691 filed 4/6/99 by Malik.

As to claims 6 and 41, Kawecki teaches an AMA in col 8 line 65 but does not

give the detail claimed. Malik teaches in col 17 line 40 to col 18 line 37 that an AMA has

a log indicating how much a particular participant is to pay for the service. It would have

been obvious to a person of ordinary skill in the art at the time of the invention to modify

Kawecki to add a log indicating how much a particular participant is to pay for the service in order to endure records sufficient for accounting and audits are available.

As to claims 7 and 42, Kawecki does not teach reading a plurality of logs at an aggregation engine that places access information contained in said logs into the format required by a billing system. Malik teaches in col 17 line 40 to col 18 line 37 reading a plurality of logs at an aggregation engine that places access information contained in said logs into the format required by a billing system. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kawecki to add reading a plurality of logs at an aggregation engine that places access information contained in said logs into the format required by a billing system in order to condense the message data into a more useful form and save storage.

As to claim 76 and 87, Kawecki does not teach an aggregation engine. Malik teaches an aggregation engine in col 17 line 40 to col 18 line 37. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kawecki to add an aggregation engine in order to consolidate the transaction information and save space.

12.   Claims 8 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawecki in view of Hosea in view of Oliver as applied above, and further in view of US Patent No. 5339239 filed 11 Oct 1990 by Manabe et al.

As to claims 8 and 43, Kawecki teaches checking a credit history, and a credit score, but the Kawecki Hosea combination does not specifically teach determining

whether the particular participant has sufficient funds to pay for the service; and

determining how to handle said message based on whether said particular participant

has sufficient funds to pay for the service. Oliver on page 14 paragraphs 329-332

teaches a credit(x) value that establishes funds available to the participant, compares

credit(x) to the charge amount to determine sufficient funds and determines what to do

next. Thus Oliver teaches determining whether the particular participant has sufficient

funds to pay for the service; and determining how to handle said message based on

whether said particular participant has sufficient funds to pay for the service. It would

have been obvious to a person of ordinary skill in the art at the time of the invention to

modify the Kawecki Hosea combination to add determining whether the particular

participant has sufficient funds to pay for the service; and determining how to handle

said message based on whether said particular participant has sufficient funds to pay

for the service in order to avoid providing services without payment.

The Kawecki Hosea Oliver combination does not specifically teach determining

that the particular participant must pre-pay for the service. Manabe teaches in col 5

lines 33-42 determining that the particular participant must pre-pay for the service. It

would have been obvious to a person of ordinary skill in the art at the time of the

invention to modify the Kawecki Hosea Oliver combination to add determining that the

particular participant must pre-pay for the service, because it would enable to sales to

people without established credit to purchase the services.

13.   Claims 9 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kawecki in view of Hosea in view of Oliver in view of Manabe as applied above, and

further in view of US Patent No 6167385, filed 30 Nov 1998 by Hartley –Urquhart,

hereafter called Hartley.

As to claims 9 and 44, The Kawecki Hosea combination does not teach pre-

payment guidance. Oliver on page 14 paragraphs 329-332 teaches inspecting a profile

for prepayment guidance as above. Manabe in col 5 lines 33-42 teaches determining

that a service requestor must pre-pay for the service as above. The Kawecki Hosea

Oliver Manabe combination does not specifically teach a provider profile that with

prepayment guidance. Hartley in col 3 lines 49-64 teaches a provider profile with

prepayment guidance. It would have been obvious to a person of ordinary skill in the art

at the time of the invention to modify the Kawecki Hosea Oliver Manabe combination to

add a provider profile with prepayment guidance, because by storing such information in

a provider file, it would only need to be updated in a single easily-found place when the

policy changes.

14.   Claims 25 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kawecki in view of Hosea and further in view of US Patent No. 5502636 filed Jan

31, 1992 by Clarke.

As to claims 25 and 60, The Kawecki Hosea combination does not specifically

teach updating the profile to award the service requestor a prize for having requested

said service. Clarke in claims 6, 18 and 19 teaches updating the profile to award the

service requestor a prize (coupon) for having requested said service (subscription). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the Kawecki Hosea combination to add updating the profile to award the service requestor a prize for having requested said service because it helps to motivate repeat business.

15.   Claims 29, 30, 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawecki in view of Hosea as applied above and further in view of US Patent No. 6704612 filed 12 May 1999 by Hahn-Carlson, hereafter known as Hahn.

As to claims 29, 30, 64, and 65, Kawecki teaches retransmitting the message to the service provider to obtain the service for the service requestor in col 9 lines 10-20. Hosea teaches retransmitting the message to the service provider to obtain the service for the service requestor in Fig 9 and page 5 paragraph 45, where the HTML request for the content that originated from the user and was intercepted is then retransmitted to the content provider to obtain the service/content. The Kawecki Hosea combination does not specifically teach inspecting a profile to determine whether the service requestor requires pre-authorization for the service, and sending the service requestor a payment authorization message. Hahn teaches inspecting a profile to determine whether the service requestor requires pre-authorization for the service in claims 1, 11 and 16. Hahn teaches in col 11 line 45 to col 12 line 5 sending a payment authorization request and receiving a payment authorization. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the Kawecki Hosea

combination to add inspecting a profile to determine whether the service requestor

requires pre-authorization for the service, sending the service requestor a payment

authorization message, and receiving a payment authorization in order to document a

purchaser's agreement to pay and avoid denial of payment later.

Conclusion

16.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

17.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ann Loftus whose telephone number is 571-272-7342.

The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL
/Susanna M. Diaz/
Primary Examiner, Art Unit 3692